

**REMARKS**

Applicants have carefully studied the Office Action mailed on July 1, 2004, which issued in connection with the above-identified application. The present response is intended to be fully responsive to all points raised by the Examiner. An early action on the merits is respectfully requested.

In the Action, the Examiner required restriction to one of the following groups of claims under 35 U.S.C. § 121:

- Group I: Claims 1-9, drawn to non-embryonic stem cells wherein the cell differentiation is inhibited when the cells are cultured on fibroblast feeder layers (class 435, subclass 325);
- Group II: Claims 10-18, drawn to non-embryonic stem cells wherein the cell differentiation is inhibited in the absence of fibroblast feeder layer (class 435, subclass 325);
- Group III: Claims 19-29 and 69-76, drawn to a stem cell originated from nuclear transfer of a somatic cell nucleus to an enucleated ooplastoid (class 435, subclass 325);
- Group IV: Claims 30-40 and 69-76, drawn to a stem cell produced by culturing a nascent cell (class 435, subclass 325);
- Group V: Claims 41-46 and 69-76, drawn to a nascent cell produced by combination of a somatic cell nucleus and an enucleated zona pellucida free ooplastoid (class 435, subclass 325);
- Group VI: Claims 47-56 and 69-76, drawn to a method of producing pluripotent non-embryonic stem cells by culturing a nascent cell (class 435, subclass 325);
- Group VII: Claims 57-68 and 69-76, drawn to a method of producing pluripotent non-embryonic stem cells produced from a super-ooplast derived from one or more enucleated zona pellucida free oocytes (class 435, subclass 325).

In the Office Action, the Examiner argues that claims of each of the designated groups have different modes of operation, different functions, or different effects.

In order to be fully responsive to the Requirement for Restriction, applicants hereby elect, without traverse, to prosecute the claims of Group VII (claims 57-68 and 69-76). Applicants reserve the right to prosecute non-elected claims in related continuing applications.

Early action on the merits is courteously solicited.

If the Examiner believes that a telephone conversation would help advance the prosecution in this case, the Examiner is respectfully requested to call the undersigned agent at (212) 527-7634. The Examiner is hereby authorized to charge any additional fees associated with this response to our Deposit Account No. 04-0100.

Dated: November 30, 2004

Respectfully submitted,

By 

Irina E. Vainberg, Ph.D.

Registration No.: 48,008

DARBY & DARBY P.C.

P.O. Box 5257

New York, New York 10150-5257

(212) 527-7700

(212) 753-6237 (Fax)

Attorneys/Agents For Applicant